

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Douglas P. MARQUIS

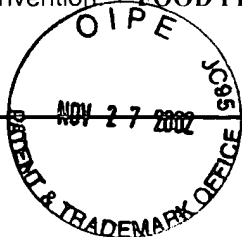
Docket No.

P4470

Serial No.

Filing Date  
HEREWITHExaminer  
S. WeinsteinGroup Art Unit  
1761

Invention: FOOD PREPORTIONING BAG



I hereby certify that this CONTINUED PROSECUTION APPLICATION  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on November 27, 2002  
(Date)

Stephanie Warner-Wallace

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EL918462538US

TC 1700 MAIL ROOM  
MAR - 3 2003  
RECEIVED  
("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

RECEIVED  
2002 DEC - 9 AM 8:56  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

RECEIVED  
DEC 03 2002  
TC 1700

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL (Small Entity)**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

P4470

☐ **DUPLICATE** (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Douglas P. Marquis

S. Weinstein

1761

Address to:

Assistant Commissioner for Patents

Box CPA

Washington, D.C. 20231

This is a request for filing a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution location, application (CPA)) of prior application number 08/884,146 filed on June 27, 1997 and entitled:

**FOOD PREPORTIONING BAG**

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

12/01/2002 MGBREM1 00000010 08884146

01 FEB:2006

370.00 OP

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☒ Small Entity Status:

- a. ☐ A small entity statement is enclosed.

- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

6. ☒ The fee for this application is calculated as follows:

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	4	- 20 =	0	x \$11.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$41.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$370.00
TOTAL FILING FEE					\$370.00

RECEIVED

DEC 03 2002

TC 1

2002 DEC -9 AM 8:56

RECEIVED  
OFFICE OF PATENT APPEALS  
AND INTERFERENCES  
7-8-3  
TO: 1700 (MAY) ROOM

RECEIVED

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.

- ☐ fees required under 37 C.F.R. 1.16.
- ☐ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$370.00 is enclosed.

9. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations

10. ☐ Also enclosed:

11. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: November 27, 2002



28465

PATENT TRADEMARK OFFICE

  
Signature

James P. Ryther

Typed or printed name

20,424

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

CC: R. Blake Johnston



PATENT  
Case P4470

14/B  
DL  
3/20/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Douglas P. Marquis )  
) Group Art Unit: 1761  
)  
Serial No.: 08/884,146 ) Examiner: S. Weinstein  
)  
Filed: June 27, 1997 )  
)  
For: FOOD PREPORTIONING BAG )

RECEIVED  
MAR-3 2003  
TC 1700 MAIL ROOM

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

RECEIVED  
DEC 03 2002  
TC 1700

Please amend the above-identified application as follows:

In the Claims:

Please cancel claims 1-5.

Please add the following new claims 6-9:

RECEIVED  
2002 DEC -9 AM 8:56  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

6. A preportioning bag used in food operations wherein a bulk food supply is divided into portions of smaller size, individual portions are located in a bag, and the bag is closed for use at a later date, said bag defining exposed side walls, and printing on at least one side wall, said printing comprising a plurality of separate printed blocks